

to Brother Kogyo Kabushiki Kaisha (35 U.S.C. §103(c). Under MPEP §706.02(l)(2) II, the foregoing and the following statement are sufficient evidence to disqualify Hirahata from being used in a rejection under 35 U.S.C. §103(a) against the claims of this application.

As Hirahata qualifies as prior art only under 35 U.S.C. §102(e), Hirahata shall not preclude patentability because Hirahata and this application were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

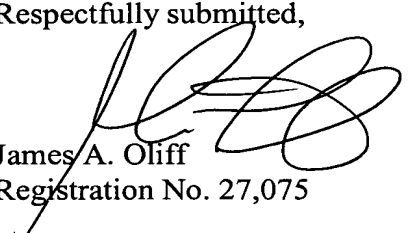
Thus, withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) is respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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